

Child Abuse and Neglect Reporting

A Guide for Mandated Reporters

Introduction

Under Massachusetts law, the Department of Social Services (DSS) is the state agency that receives all reports of suspected abuse or neglect of children under the age of 18. State law requires professionals whose work brings them in contact with children to notify DSS if they suspect that a child has been – or is at risk of being – abused or neglected. DSS depends on reports from professionals and other concerned individuals to learn about children who may need protection. The Department receives reports on more than 100,000 children each year.

The Department's primary mission is to protect children who have been abused or neglected in a family setting. DSS seeks to ensure that each child has a safe, nurturing, permanent home. The Department also provides a range of preventive services to support and strengthen families with children at risk of abuse or neglect.

References to Massachusetts law in this Guide are citations from Chapter 119, sections 51A-E.

Who is a mandated reporter?

Massachusetts law defines the following professionals as mandated reporters:

- physicians, medical interns, hospital personnel engaged in the examination, care or treatment of persons, medical examiners,
- -psychologists, emergency medical technicians, dentists, nurses, chiropractors, podiatrists, optometrists, osteopaths,
- public or private schoolteachers,
- educational administrators, guidance or family counselors,
- day care and child care workers, including any person paid to care for, or work with, a child in any public or private facility, or home or program funded or licensed by the Commonwealth, which provides day care or residential services. This includes child care resource and referral agencies, as well as voucher management agencies, family day care and child care food programs,
- -probation officers, clerks magistrate of the district courts, parole officers,
- social workers,
- foster parents,
- firefighters or police officers,
- Office of Child Care Services licensors,
- -school attendance officers, allied mental health and licensed human services professionals,
- drug and alcoholism counselors,
- psychiatrists, and clinical social workers.

Mandated Reporters who are staff members of medical or other public or private institutions, schools or facilities, must either notify the Department directly or notify the person in charge of the institution, school or facility, or his/her designee, who then becomes responsible for filing the report. Should the person in charge/designee advise against filing, the staff member retains the right to contact DSS directly.

As a mandated reporter, what are my responsibilities?

Massachusetts law requires mandated reporters to immediately make an oral report to the Department of Social Services when, in their professional capacity, they have reasonable cause to believe that a child under the age of 18 years is suffering from abuse or neglect. You should report any physical or emotional injury resulting from abuse, including sexual abuse; or any indication of neglect, including malnutrition; or any instance in which a child is determined to be physically dependent upon an addictive drug at birth.

A written report must be submitted to DSS within 48 hours after the oral report has been made. Please note that any mandated reporter who fails to make required oral and written reports can be punished by a fine of up to \$1,000.

During the screening and investigation of a 51A report, any mandated reporter who has information which he/she believes might aid the Department in determining whether a child has been abused or neglected shall, upon request by DSS, disclose the relevant information to the Department. Under the law, mandated reporters are protected from liability in any civil or criminal action and from any discriminatory or retaliatory actions by an employer.

Who is a caretaker?

A "Caretaker" can be a child's parent, step-parent, guardian, or any household member entrusted with the responsibility for a child's health or welfare. In addition, any other person entrusted with the responsibility for a child's health or welfare, both in and out of the child's home, regardless of age, is considered a caretaker. Examples may include relatives from outside the home,

teachers or school staff in a school setting, workers at day care and child care centers (including babysitters), foster parents, staff at a group care facility, or persons charged with caring for children in any other comparable setting.

How are abuse and neglect defined?

Under the Department of Social Services regulations (110 CMR, section 2.00):

Abuse means: The non-accidental commission of any act by a caretaker upon a child under age 18 which causes, or creates a substantial risk of, physical or emotional injury; or constitutes a sexual offense under the laws of the Commonwealth; or any sexual contact between a caretaker and a child under the care of that individual. This definition is not dependent upon location (i.e., abuse can occur while the child is in an out-of-home or in-home setting).

Neglect means: Failure by a caretaker, either deliberately or through negligence or inability, to take those actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability and growth, or other essential care; provided, however, that such inability is not due solely to inadequate economic resources or solely to the existence of a handicapping condition. This definition is not dependent upon location (i.e., neglect can occur while the child is in an out-of-home or in-home setting).

Physical Injury means: Death; or fracture of a bone, a subdural hematoma, burns, impairment of any organ, and any other such nontrivial injury; or soft tissue swelling or skin bruising, depending upon such factors as the child's age, circumstances under which the injury occurred and the number and location of bruises; or addiction to a drug or drugs at birth; or failure to thrive.

Emotional Injury means: An impairment to or disorder of the intellectual or psychological capacity of a child as evidenced by observable and substantial reduction in the child's ability to function within a normal range of performance and behavior.

How do I make a report of suspected child abuse or neglect? When must I file it?

When you suspect that a child is being abused or neglected, you should immediately telephone the DSS Area Office serving the child's residence and ask for the Protective Screening Unit. You will find a directory of the DSS Area Offices at the back of this Guide. Offices are staffed between 9 a.m. and 5 p.m. weekdays. To make a report at any other time, including after 5 p.m. and on weekends and holidays, please call the Child-At-Risk Hotline at 1-800-792-5200.

As a mandated reporter you are also required by law to mail or fax a written report to the Department within 48 hours after making the oral report. The form for filing this report can be obtained from your local DSS Area Office.

Your report should include:

- All identifying information you have about the child and parent or other caretaker, if known;
- The nature and extent of the suspected abuse or neglect, including any evidence or knowledge of prior injury, abuse, maltreatment, or neglect;
- The circumstances under which you first became aware of the child's injuries, abuse, maltreatment or neglect;
- What action, if any, has been taken thus far to treat, shelter, or otherwise assist the child;
- Any other information you believe might be helpful in establishing the cause of the injury and/or person responsible.

Hospital personnel should take photographs of any trauma that is visible on the child and mail or deliver the photographs to DSS with the written report.

As a mandated reporter, you are required by law to also provide DSS with your name, address and telephone number.

We recommend that you inform the family that you have referred them to DSS for help, but do not do so if you think it would increase the risk to the child.

If you have any questions about whether or not to report a situation, please do not hesitate to contact your local DSS Area Office.

What happens after DSS receives a report of suspected child abuse or neglect?

There are several possibilities, depending on the allegations reported and other case-specific circumstances:

If the Department determines there is reasonable cause to believe that a child has been abused or neglected, a social worker is assigned to investigate the report. The investigation, called a 51B, includes a home visit during which the social worker meets and talks with the child and the care-taker. If DSS determines that the situation is an emergency, the investigation is completed within 24 hours after the report is designated as an emergency. Investigations of all other reports are completed within 10 days.

If the Department determines that there is reasonable cause to believe that an incident of abuse or neglect by a caretaker did occur, the report is supported and the Department provides the family with services to reduce the risk of harm to the child. If the report is unsupported but the family appears to be in need of services, the Department may offer the family services on a voluntary basis. DSS will notify the mandated reporter, in writing, of its decision.

Referrals to the District Attorney

It is important to note that if the Department determines a child has been sexually abused or sexually exploited, has suffered serious physical abuse or injury, or has died as a result of abuse or neglect, DSS must notify the District Attorney, who has the authority to file criminal charges, as well as local law enforcement authorities for the county where the child resides and where the offense occurred.

Where can I obtain more information about child abuse and neglect?

You can obtain more information about child abuse and neglect by calling the Massachusetts Department of Social Services Library at 617-748-2373.

Other Useful Numbers

The Department has an Ombudsman's Office, available from 8:45 a.m. to 5:00 p.m. each work day, to assist you. Please call 617-748-2444.

Child-At-Risk Hotline	1-800-792-5200
Foster/Adoptive Care Recruitment Line	1-800-KIDS-508
Kid's Net Connections (Foster/Adoptive Helpline)	1-800-486-3730
DSS Website	www.magnet.state.ma.us/dss
Parental Stress Line	1-800-632-8188 www.pcsonline.org/helplines

DSS Area Office DirectoryPlease ask for the Protective Screening Unit

WEST	
Pittsfield	413-236-1800
Greenfield	413-775-5000
Holyoke	413-493-2600
Robert Van Wart Center East Springfield	413-205-0500
Springfield	413-452-3200
CENTRAL	
Leominster	978-466-1500
Whitinsville	508-234-1000
Worcester	508-929-2000
NORTHEAST	
Lowell	978-275-6800
Lawrence	978-557-2500
Haverhill	978-469-8800
Cape Ann, Salem	978-825-3800
Lynn	781-477-1600
METRO	
Malden	781-388-7100
Framingham	508-424-0100
Cambridge/Somerville	617-520-8700
Arlington	781-641-8500
South Weymouth	781-682-0800
SOUTHEAST	
Attleboro	508-431-9500
Brockton	508-894-3700
Fall River	508-235-9800
New Bedford	508-910-1000
Cape & Islands	508-760-0200
Plymouth	508-732-6200
BOSTON	
Hyde Park	617-360-2500
Dimock Street, Roxbury	617-989-2800
Park Street	617-822-4700
Chelsea	617-660-3400